

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 7, 1999

DIVISION TWO

B120385 Sipple (Certified for Publication)

v.

Foundation for National Progress

The judgment is affirmed. Respondents are entitled to attorney fees and costs on appeal.

Nott, J.

I concur: Boren, P.J.

I dissent & concur: Zebrowski, J.(Opinion)

B116513 People (Not for Publication)

v.

Toney

The judgment is modified to reflect a sentence of 3 years, not one year, for the great bodily injury enhancement and to assess an additional restitution fine of \$1500 pursuant to section 1202.45, to be suspended unless defendant's parole is revoked. The abstract of judgment is ordered amended to reflect these modifications. The clerk of the superior court is ordered upon issuance of the remittitur to prepare a corrected abstract of judgment as set forth in this opinion and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Zebrowski, J.

We concur: Boren, P.J.

Nott, J.

DIVISION TWO (continued)

B122099 People (Not for Publication)
 v.
 Heriverto M.

The judgment is affirmed.

Zebrowski, J.

We concur: Boren, P.J.
 Nott, J.

B108324 Ketchum (Not for Publication)
 v.
 Dedeaux Enterprises

The award of attorney fees from appellant to respondent is reversed.
The judgment is otherwise affirmed. Each side to bear its own costs
on appeal.

Zebrowski, J.

We concur: Boren, P.J.
 Nott, J.

B113142 Ochoa, et al. (Not for Publication)
 v.
 Southern California Edison Company

The judgment is affirmed. Respondent to recover costs.

Zebrowski, J.

We concur: Boren, P.J.
 Mallano, J. (Assigned)

DIVISION TWO (continued)

B114145 Grayson (Not for Publication)
 v.
 County of Los Angeles, et al.

The judgment is affirmed. Respondents are awarded costs on appeal.

Nott, J.

We concur: Boren, P.J.
 Zebrowski, J.

B122047 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Dollie M.H.

The order denying de facto parental status to Dollie H. is affirmed.

Nott, Acting P.J.

We concur: Zebrowski, J.
 Mallano, J. (Assigned)

DIVISION THREE

B124945 Joseph Tizabi (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Fireman's Fund Insurance Company, r.p.i.)

The alternative writ issued on December 1, 1998, is discharged, the stay is vacated, and the petition for writ of mandate denied. Real Party in Interest awarded costs.

Aldrich, J.

We concur: Klein, P.J.
 Kitching, J.

DIVISION FOUR

B120100 Rinaldi Ltd. No. 1 (Not for Publication)
 v.
 UNI-ARC, Inc.

The judgment and award of attorney fees are affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
 Hastings, J.

B089804 Kazi et al.
 v.
 State Farm Fire and Casualty Company et al.

Filed order modifying opinion. (Change in judgment)

B127228 People (Not for Publication)
 v.
 Mario R.

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
 Curry, J.

B126439 People (Not for Publication)
 v.
 Louis D.

The order committing appellant to the California Youth Authority is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
 Hastings, J.

DIVISION FOUR (continued)

April 7, 1999-Continued

B127254 People
 v.
 Cummings

Filed order denying petition for rehearing.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Godoy Perez, J., and Zaida G. Heraldez,
Deputy Clerk.

Each of the following:

B124683 People v. Daniel Gomez
B121043 People v. Henry Murray
B124798 People v. Glenn Towery
B124410 Richard Revels & Sandra Lopez & Christina Frances
B120586 People v. Lincoln Harrison Scott
B129523 Alice G. v. S.C.L.A. (DCFS)
B123825 People v. Lennal K. Shabazz
B121682 DCFS v. Contra Costa

Argument waived, cause submitted.

B127430 Susan Bromily
 v.
 Marfred Industries

Merits:

Argued by Charles Goldstein for appellant and by William Rechwald
for respondent. Cause submitted.

DIVISION FIVE (continued)

B122786 Douglas Sam
 v.
 First Federal Bank of California

Merits:

Argued by Stephen Darrow for appellant and by Victor R. Berwin for respondent. Cause submitted.

B119876 The People
 v.
 Kurt Bowman

Merits:

Argued by Sylvia Beckham for appellant and by Ronald A. Jakob, Deputy Attorney General for respondent. Cause submitted.

B119842 Inter-Modal Rail Employee Assn. et al.
 v.
 Burlington Northern & Santa Fe Railway Company et al.

Merits:

Argued by Richard E. Schwartz for appellants and by Neil O. Andrus and Ronald W. Novotny for respondents. Cause submitted.

B127523 Sandra T.
 v.
 S.C.L.A.
 (DCFS, r.p.i.)

Merits:

Argued by Edward Kim, for petitioner and by Arezoo Pichvai for real party in interest. Cause submitted.

DIVISION FIVE (continued)

B116477 Bruce S. Keller
 v.
 USAA Property & Casualty Ins.

Merits:
Argued by Richard Garrigues and Kenneth W. Thompson for
appellants and by Daniel J. Koes for respondent. Cause submitted.

B127010 Conservatorship of Fleischman
 v.
 Sharon Woody et al.
 (Dan evan Fleischman, r.p.i.)

Merits:
Argued by John T. Blanchard for appellant and by Wendy C.
Lascher for respondents. Cause submitted.

Court recessed.

The Court reconvened at 1:00 p.m.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and Zaida G.
Heraldez, Deputy Clerk.

B110077 Cooper v. Healthcare

Argument waived, cause submitted.

B117790 Beatriz Delgado et al.
 v.
 American Multi-Cinema Inc.

Merits:
Argued by Thomas A. Brill for appellant and by Jay S. Hill for
respondent. Cause submitted.

DIVISION FIVE (continued)

B122465 Sidney Marshak
 v.
 Emma Ballesteros

Merits:
Argued by Martin L. Stanley for appellant and by Howard M. Fields
for respondent. Cause submitted.

B117326 Deborah Ramirez
 v.
 Michael V. Gould

Merits:
Argued by Kathleen M. O'Connor for appellant and by Richard H.
Bloom for respondent. Cause submitted.

B119352 Terrill F. Oberman
 v.
 Jeffrey Benice

Merits:
Argued by Dana E. Butler for appellant and by Robert Long and
Patrick A. Cathcart for respondent. Cause submitted.

B119092 Michael M. Sherman
 v.
 Jerome Sherman

Merits:
Argued by Martin Wolf for appellant and by George Deroy for
respondent. Cause submitted.

Court adjourned.

DIVISION FIVE (continued)

B122254 People (Not for Publication)
 v.
 Francis Pelgado

The judgment is modified by imposing and suspending a \$200 parole revocation restitution fine pursuant to Penal Code section 1202.45. As modified, the judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B119085 People (Not for Publication)
 v.
 Philip Jenkins

The judgment is modified by imposing and suspending a \$200 parole revocation restitution fine pursuant to Penal Code section 1202.45. As modified, the judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

DIVISION SIX

B113404 People (Not for Publication)
 v.
 Snowden

The conviction under count 2 for receiving stolen property under Penal Code section 496, subdivision (a) is reversed. The judgment is modified to reflect a fine of \$2,000 under Penal Code section 1202.45, to be stayed pending appellant's successful completion of parole. The abstract of judgment shall be modified accordingly. In all other respects, the judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B117274 Ventura County Flood Control District (Certified for Publication)
 v.
 Campbell
 Truestone Concrete Products Incorporated et al.

The judgment and the award of fees are affirmed. Costs are awarded to Daniel M. Campbell.

Burke, J. (Assigned)

We concur: Gilbert, Acting P.J.
 Yegan, J.

B118206 Maguire (Not for Publication)
 v.
 Sacks

The judgment is affirmed. Costs to respondent.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

DIVISION SIX (continued)

B119845 Green (Not for Publication)
 v.
 Madonna Construction Co. et al.

The judgment on the liability issues is affirmed. The order granting a new trial on the issues of economic and non-economic damages is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B115217 Campbell (Certified for Publication)
 v.
 Alger

The judgments are affirmed. The parties are to bear their own costs.

Burke, J. (Assigned)

We concur: Gilbert, Acting P.J.
 Yegan, J.

B118285 People
 v.
 Mccauley

Filed nunc pro tunc order as of February 15, 1999, vacating submission of November 19, 1998, due to complexity of issues and the court's request for additional briefing. The cause will stand resubmitted as of June 1, 1999.

April 7, 1999-Continued

DIVISION SEVEN

B124930 People (Not for Publication)
 v.
 Bess

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
 Woods, J.

B119683 People (Not for Publication)
 v.
 Christopher C.

The orders under review are affirmed.

Neal, J.

We concur: Lillie, P.J.
 Woods, J.